

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 81/2007

Appeal
Application No.
 Writ petition

District :
 of 200

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders or directions
 and Registrar's orders.

Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : April 9, 2007.

On 15/3/2006, at the request of the counsel for the appellant, the matter was fixed on 16/3/2007. Thereafter the matter was fixed on 16/3/2007 and was further adjourned to 26/3/2007 at the request of the learned counsel for the appellant. On 26/3/2007, this Court directed that the matter be placed on 9/4/2007 high on board at the request of Shri Kaslikar. None appears for the appellant when the matter is called today.

The appellant is the original plaintiff. A suit was filed by the plaintiff for declaration that he had a right of way through the suit way as an easement of prescription as well as an easement of necessity. Both the Courts have concurrently held that the plaintiff had failed to prove the easementary right of way by prescription. Both the Courts also held that the plaintiff had an alternate way for approaching his field. To record this finding,

both the Courts have considered the entire evidence on record and have appreciated same in an extremely reasonable manner.

No substantial question of law arises in this second appeal. Second appeal is dismissed with no order as to costs.

JUDGE

RMP